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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,009	12/28/2000	Mohammad J. Arshad	13935-NN016	9068

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CASE NEW HOLLAND INC.  
CNH - IP LAW DEPARTMENT  
BOX 1895 MS 641  
NEW HOLLAND, PA 17557

EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 06/17/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/752,009

Applicant(s)

ARSHAD ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 24-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 16.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This action is responsive to communication filed on April 5, 2004.

#### ***Response to Amendment***

The examiner has acknowledged the amendment of claims 1, 6, 8 and the addition of claims 24-36.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 and 24-36 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick U.S patent 6480117 in view of Giessl U.S Patent 6538557.

Regarding claim 1, Flick teaches a method of controlling the operation of a vehicle including a radio communications circuit configured to communicate with a vehicle operator's handheld

radio frequency transponder(col. 5 lines 10-14), the method comprising the steps of:

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providing the vehicle having the bi-directional radio communications circuit (col. 5 lines 5 lines 10-12);

providing the radio transponder to the vehicle operator (col. 7 lines 32-35);

generating electromagnetic radiation from the radio

communications circuit by communicating wirelessly (figure 4);

bringing the transponder within the range of the electromagnetic radiation (figure 4);

energizing the transponder by the electromagnetic radiation (col. 8 lines 41-46);

transmitting first information from the transponder after the step of energizing the transponder (col. 8 lines 52-55);

receiving at the reader circuit the first information transmitted by the transponder; and

controlling at least one subsystem of the vehicle (engine start or run enable) in response to the first information received at the transponder (col. 8 lines 37-40). Flick further teaches a radio

communication circuit (13) coupled to a microprocessor based controller (12) and the circuit is configured to communicate with a vehicle hand held transponder (col. 5 lines 10-14). Flick is

however silent on teaching the data associated with the user indicates the limits on the use of the vehicle subsystem including the plurality of hydraulic actuators. Giessl in an art related

vehicle control system invention teaches a method of controlling the operation of a vehicle in response to data received from a radio transponder (col. 2 lines 40-42) by downloading the data

from the transponder to the vehicle the data indicative of the operator (col. 3 lines 31-37) and limiting the functionality of the vehicle based on the downloaded data (col. 6 lines 31-34).

It would have been obvious to one of ordinary skill in the art to the data associated with the user indicates the limits on the use of the vehicle subsystem including the plurality of

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hydraulic actuators in Flick as evidenced by Giessler because Flick suggests controlling the performance of a function associated with the vehicle using a transponder and Giessler in an art related vehicle control system invention teaches a method of controlling the operation of a vehicle in response to data received from a radio transponder by downloading the data from the transponder to the vehicle the data indicative of the operator and limiting the functionality of the vehicle based on the downloaded data in order to ensure the safe operation of the vehicle and to ensure the vehicle is used for its intended purposes only.

Regarding claim 2, Flick teaches the radio transponder includes a low power micro controller (56) configured to receive its operating power from the electromagnetic radiation (col. 8 lines 41-46).

Regarding claim 3, Flick teaches providing the radio transponder includes the step of molding the radio transponder into a vehicle ignition key (figure 5).

Regarding claim 4, Flick teaches embedding the radio transponder in a hand-held card (81, figure 4).

Regarding claim 5, Flick teaches mechanically bonding the radio transponder to Vehicle ignition key by means of a key ring (figure 4).

Regarding claim 8, Flick teaches controlling the operation of the vehicle engine (col. 8 lines 36-38).

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick U.S. patent 6480117 in view of in view of Giessler U.S. Patent 6538557 and further in view of Konrad et al. U.S. Patent 6020827.

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Regarding claims 6-7, Flick in view of Giessler teaches each transponder is uniquely coded for identification purposes (col. 6 lines 31-35) but is not explicit in teaching the transmission from the transponder includes a value that identifies the operator. Konrad et al. in an art related invention in the same field of endeavor of vehicle security teaches a transponder providing user identification (col. 1 lines 17-20) and compare the user identification with the previously stored information (col. 1 lines 51-56) in order to verify the identification of the user.

It would have been obvious to one of ordinary skill in the art for the transmission from the transponder includes a value that identifies the operator in Flick in view of Giessler as evidenced by Konrad et al. because Flick in view of Giessler suggests each transponder is uniquely coded for identification purposes and Konrad et al. teaches a transponder providing user identification and compare the user identification with the previously stored information in order to verify the identification of the user.

Claims 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy U.S Patent 6225890 in view of Rocke U.S Patent 5528843 and further in view of Giessler U.S Patent 6538557.

Regarding claims 24, 29 and 33, Murphy teaches a method for permitting a plurality of users of a vehicle to have different degrees of operating access to the vehicle (col. 6 lines 8-17), each of the users having an operating key for operating the vehicle and a radio transponder coupled to the operating key for storing data indicative of the authorized degree of operating access to the vehicle (col. 6 lines 55-60), the method comprising: transmitting first data indicative of a first authorized degree of operating access to a vehicle control system on the vehicle from a first transponder coupled to a first operating key for the vehicle; comparing the

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first transmitted data with data stored in the vehicle control system to determine the first authorized degree of access and to provide a first user with the first authorized degrees of access; using the first operating key to operate the vehicle (col. 6 line 55-col. 7 line 14). The permitting a plurality of users of a vehicle to have different degrees of operating access to the vehicle also implies a first and second authorized degree of access. Murphy is however silent on teaching the vehicle is a work vehicle. Rocke in an art related system for controlling a work vehicle teaches a system for controlling a work vehicle having a user interface (260) for entering commands to control the work vehicle (col. 3 lines 3-5) and one skilled in the art recognizes that a key transponder is conventionally used to input command to control a vehicle as evidenced by Giessler (col. 4 lines 39-44). Rocke also teaches the hydraulic system includes hydraulic controller that controls the flow of hydraulic fluid (col. 2 lines 11-24).

It would have been obvious to one of ordinary skill in the art to permitting a plurality of users of a vehicle to have different degrees of operating access to a work vehicle in Murphy as evidenced by Rocke in view of Giessler because Murphy suggests a method for permitting a plurality of users of a vehicle to have different degrees of operating access to the vehicle and Rocke teaches a system for controlling a work vehicle having a user interface (260) for entering commands to control the work vehicle and one skilled in the art recognizes that a key transponder is conventionally used to input command to control a vehicle as evidenced by Giessler.

Regarding claims 25 and 31, Murphy teaches the authorized degrees of access are different according specific hours during a day when the vehicle may be operated (col. 13 lines 52-58).

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Regarding claims 26 and 32, Murphy teaches the vehicle includes at least one of an engine-ignition subsystem (col. 14 lines 7-11).

Regarding claim 27 and 34, Murphy teaches the degree of access includes conditional limits that prevent the use of the vehicle if the conditional limits are exceeded (col. 10 lines 38-41).

Regarding claim 28, Murphy teaches data indicative of the conditional limits includes the maximum speed of authorized operation (col. 13 lines 52-58).

Regarding claim 30, Murphy teaches a display adapted to display a message indicating data stored in the transponder (token) (col. 12 lines 9-11).

Regarding claim 35, Murphy teaches the conditional limitations are downloaded from a transponder (token) (col. 14 lines 46-54) and the limitation includes the maximum speed of authorized operation (col. 13 lines 52-58).

Claims 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy U.S. Patent 6225890 in view of Rocke U.S. Patent 5528843 in view of Giessler U.S. Patent 6538557 and further in view of Doyle U.S. Patent 5815071.

Regarding claim 36, Murphy in view of Rocke in view of Giessler teaches the control system is configured to transmit vehicle data indicative of vehicle operation such as the speed (col. 15 lines 31-35) but is silent and teaching the vehicle data is transmitted to a transponder. Doyle in an art related vehicle monitoring system teaches the vehicle control system transmitting vehicle operation data to mobile communication terminal (col. 5 lines 14-21) which servers as



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the means for downloading data for configuring the vehicle and communicating with the control center..

It would have been obvious to one of ordinary skill in the art to transmit vehicle operation data to a transponder in Murphy in view of Rocke in view of Giessler as evidenced by Doyle because Murphy in view of Rocke suggests the control system is configured to transmit vehicle data indicative of vehicle operation such as the speed and Doyle teaches the vehicle control system transmitting vehicle operation data to mobile communication terminal which serves as the means for downloading data for configuring the vehicle and communicating with the control center.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on 8:30-6:30 Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
June 14, 2004

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